

REMARKS

Claims 1-9, 11-27, 29-36 and 38 are currently pending in the subject application and are presently under consideration. Claims 1, 8, 21, 27, 28, 29 and 38 have been amended as shown on pages 3-7 of the Reply while claim 10, 28 and 37 have been cancelled. In addition, the specification has been amended as indicated on page 2 of the Reply.

Applicants' representative thanks Examiner Khatri for the courtesies extended during the interview conducted on April 5, 2007. The rejection of claims under 35 U.S.C. §101, 35 U.S.C. §112 and 35 U.S.C. §102(e) were discussed.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-38 Under 35 U.S.C. §101

Claims 1-38 stand rejected under 35 U.S.C. §101 as allegedly unable to produce a useful, concrete and tangible result. The subject claims relate to generating an order for events and selecting an optimal even order based at least in part on information regarding an executing system. Hence, it produces a useful, concrete, tangible result of an optimal event order based on various considerations such as system capabilities. Additionally the claims have been amended to recite that the system and method are implemented on a computer. In view of these amendments to the subject claims, withdrawal of this rejection is respectfully requested.

II. Rejection of Claims 1-38 Under 35 U.S.C. §112

Claims 1-38 stand rejected under 35 U.S.C. §112, second paragraph as allegedly omitting essential steps of generating, determining, registering/storing. Withdrawal of this rejection is requested in view of at least the following. Claim 1 recites a computer implemented system for *specifying* and *executing* temporal order events wherein an order component *determines* an event order in accordance with the loose temporal constraints and *selects* an optimal event order based at least in part on execution system information. Independent claims 8, 27 and 29 recite similar features. Hence, it is submitted that the

claims do not omit any essential steps. Therefore, withdrawal of this rejection is respectfully requested.

III. Objection to Claim 21

Claim 21 is objected to because of the following informalities: dependent claim 21 is improperly dependent and claim 29 should end with period (.). In view of the amendment to the subject claim, this rejection should be withdrawn.

IV. Rejection of Claims 1-38 Under 35 U.S.C §102(e)

Claims 1-38 stand rejected under 35 U.S.C. §102(e) as being anticipated by Rossomando (U.S. 6,910,204). Withdrawal of this rejection is requested since the reference fails to teach or suggest all aspects of subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation* set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants' claimed invention relates to systems and methods for specifying and executing temporal order events. To this end, independent claim 1 recites an order component that determines an event order in accordance with the loose temporal constraints and *selects an optimal event order based at least in part on execution system information*. Rossomando neither teaches nor suggests such novel aspects.

Rossomando provides methods and system for creating software development methodology including creation of focus areas and decomposition of same to create use cases. At page 4 of the Office Action, the Examiner incorrectly asserts that Rossomando substantially teaches the claimed aspects. The cited reference provides for each focus area including a set of requirement for the system which includes general description of a

process to be performed by the system and constraints on the manner in which the process is to be performed (Column 2, lines 30-42). Temporal relationship between focus areas within a given hierarchy is specified. Focus areas at a given level represent some aspects or subsets of a larger process and a temporal relationship between these subsets is specified. For example, it may be specified that actions in one focus areas must take place before actions in other focus area (Column 7, line 16-22). Hence Rossomando provides for specifying temporal relationship between subsets of a process but does not teach or suggest an order component that automatically selects an optimal event order based on execution system information. According to the claimed subject matter, users need not specify the order in which events or tasks are to be executed. Rather, the users need only specify information that they desire. The rest of the information can be inferred by the system. This loose specification of events gives users maximum ability to explore, create variations, and make adjustments while the claimed order component selects an optimal event order based on system capabilities such as available memory, cache coherency, data throughput, number of processors and the like.

At page 6 of the Office Action, the Examiner again incorrectly asserts that Rossomando substantially teaches *an interactive ordering system*. The cited portion of the reference provides for a Focus area which is a high level specification of a business process and includes a software development team discussing the plans for a scheduling system with the university administration and identifying the administration requirement for such a system in the form of a focus area specification (Column 7, lines 28-41). Hence Rossomando provides for discussing and finalizing the scheduling and administration requirement *before developing the software*. Once a schedule has been discussed and finalized, it can't be changed later in development of software or after development of software. Rossomando does not contemplate providing loose constraints associated with plurality of events and an interactive ordering system so that user and system can modify ordering of events at their execution time also as in the claimed invention.

In view of at least the foregoing, it is readily apparent that Rossomando fails to teach or suggest all aspects of the claimed invention. Accordingly, it is respectfully

requested that this rejection of independent claims 1, 8, 27 and 29 (and the claims that depend there from) should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP543US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731